

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CLAY VINSON HAYNES,

Petitioner,

v.

COMMANDER TOM CROSKEY,

Respondent.

NO: 4:19-CV-5182-TOR

ORDER DENYING
RECONSIDERATION

BEFORE THE COURT is Petitioner's Motion Re-Consideration (sic). ECF No. 17. Petitioner, a pretrial detainee at the Benton County Jail, is proceeding *pro se*. Respondent has not been served.

On November 6, 2019, this action was dismissed without prejudice for failure to exhaust state court remedies. ECF No. 13. The file has been closed.

A motion for reconsideration of a judgment may be reviewed under either Federal Rule of Civil Procedure 59(e) (motion to alter or amend a judgment) or Rule

60(b) (relief from judgment). *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). “Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” *Id.* at 1263; *United Nat. Ins. Co. v. Spectrum Worldwide, Inc.*, 555 F.3d 772, 780 (9th Cir. 2009). Whether to grant a motion for reconsideration is within the sound discretion of the court. *Navajo Nation v. Confederated Tribes and Bands of the Yakima Nation*, 331 F.3d 1041, 1046 (9th Cir. 2003).

Here, no grounds for reconsideration exist. Accordingly, **IT IS HEREBY ORDERED:**

1. Petitioner’s Motion Re-Consideration, ECF No. 17, is **DENIED**.

2. The file remains **CLOSED**.

The Clerk’s Office is directed to enter this Order and provide a copy to Petitioner. The Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be taken in good faith and there is no basis upon which to issue a certificate of appealability. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of appealability is therefore **DENIED**.

DATED May 28, 2019.



Thomas O. Rice
THOMAS O. RICE
Chief United States District Judge